

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

POLYZEN, INC.,	)	
	)	
Plaintiff and Consolidated Defendant,	)	
	)	
v.	)	5:11-CV-662-D (Lead Case)
	)	5:12-CV-102-D
RADIADYNE, L.L.C.,	)	
	)	
Defendant and Consolidated Plaintiff.	)	

**ORDER ON CONSOLIDATION**

This case comes before the court on the consent<sup>1</sup> motion (D.E. 24) by RadiaDyne, L.L.C. (“RadiaDyne”) as the plaintiff in *RadiaDyne, L.L.C. v. Polyzen, Inc.*, Civil Action No. 5:12-CV-102-D, to consolidate that case with *Polyzen, Inc. v. RadiaDyne, L.L.C.*, Civil Action No. 5:11-CV-662-D, pursuant to Fed. R. Civ. P. 42(a). The motion represents that there is a common issue of what interest, if any, RadiaDyne has in U.S. Patent No. 7,976,497. (Mot. ¶ 2). Upon review of the pleadings in both cases, the court agrees that these cases share common issues of both law and fact, and that consolidation would serve the interest of judicial economy. Accordingly, the motion is GRANTED, and the above-captioned cases are consolidated for the purpose of all proceedings, including trial.


To facilitate the efficient and orderly administration of the consolidated cases, counsel are directed to use the joint caption as set forth above on all future filings. All filings shall be docketed only in the lead case, case number 5:11-CV-662-D. The Clerk is directed to make additional party entries in the docket in case number 5:11-CV-662-D designating Radiadyne as

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<sup>1</sup> Although not styled as a consent motion, the motion represents that Polyzen, Inc. (“Polyzen”) consents to consolidation. (See Mot. ¶ 3). During a telephone conference with counsel on 29 June 2012, Polyzen confirmed that it consented to the motion.

“consolidated plaintiff” and Polyzen as “consolidated defendant.” As appropriate for the context of a particular filing, Polyzen shall be referred to as either “plaintiff” or “consolidated defendant” and Radiadyne as “defendant” or “consolidated plaintiff.”

SO ORDERED, this the 2nd day of July 2012.



James E. Gates  
United States Magistrate Judge